

# **Coastal and Ocean Initiatives for Public Comment and Public Meetings**

## **BACKGROUND/INTRODUCTION**

Today's laws to protect New Jersey's coastal areas have developed over many decades. Governor McGreevey is committed to building on these laws to enhance our coastal and ocean resources and is looking for public input on how we can best achieve this goal.

Initially, laws such as New Jersey's Waterfront Development Law were geared toward commerce and navigation. The passage of the Wetlands Act of 1970 afforded protection to tidal marshes. In 1972, a national program to manage coastal areas was established with passage of the Coastal Zone Management Act. The following year New Jersey's Coastal Area Facility Review Act was enacted and broadened protection of coastal area resources. New Jersey's coastal management program was established in 1978.

Notwithstanding these efforts to protect our coastal areas, there is growing national concern and accumulating evidence that the oceans are at risk from nonpoint and point source pollution, climate change, overfishing and the effects of coastal development.

This concern led to the creation of the Pew Oceans Commission in 2000. In June 2003, the Pew Oceans Commission released its report to the nation on the state of America's living oceans. The Commission concluded that America's oceans are in crisis, with ocean-related tourism and recreation threatened by pollution and sprawl. The report highlighted the adverse effects of coastal development and sprawl on coastal habitats and water quality. The report identified the root cause as a failure in both perspective and governance. Finally, the report stressed the need to consider the complex interactions of marine ecosystems, the need to maintain the diversity of those systems, and the need to change our perspective by treating the oceans as a public trust and protecting the integrity of the ocean ecosystem. In response, Governor McGreevey directed Commissioner Campbell to consult with representatives of commercial and recreational fisheries, community and environmental organizations, the business community, and other constituencies and develop recommendations responding to the report.

The Oceans Act of 2000 mandated the creation of the U.S. Commission on Ocean Policy, authorized by Congress, and comprised of members appointed by the President. The U.S. Commission on Ocean Policy is charged with making findings and developing recommendations to the President and Congress for a coordinated and comprehensive national ocean policy. The new policy will address a broad range of issues, ranging from the stewardship of marine resources and pollution prevention to enhancing and supporting marine science, commerce and transportation. The Commission's Preliminary Report will be released for review and comment by the nation's governors and other interested stakeholders on April 20, 2004.

In response to the Pew Oceans Commission report and in anticipation of the report of the U.S. Commission on Ocean Policy, the New Jersey Department of Environmental Protection has

taken the opportunity to consider actions that would strengthen stewardship of our coast and the sustainability of our ocean. The measures being considered recognize the ecological, economic, and recreational value of New Jersey's marine and coastal resources, and are designed to further the goal of healthy coastal and ocean ecosystems, as well as foster the public trust regarding tidal waters administered by government for the benefit of all citizens. The Department is asking for the public's thoughts on these proposed measures and is also seeking the public's suggestions for how the Department might better protect New Jersey's coastal areas and ocean waters. Possible measures include changes to regulations, development and implementation of plans to manage coastal and ocean resources, funding sources for existing programs, or legislative initiatives. In addition, the public input will help inform the Governor's comments on the Ocean Commission's Preliminary Report. The Governor's comments are due on May 21, 2004.

The Department will host two public meetings to gather input from members of the public. The meetings are scheduled as follows:

**Morning Meeting**

**Co-hosts: U.S. Senator Jon Corzine, U.S. Representative Frank LoBiondo and DEP Commissioner Bradley Campbell**

Monday, April 19, 2004 at 10:30 am  
Richard Stockton College of New Jersey  
Performing Arts Center  
College Drive  
Pomona, NJ

**Evening Meeting**

**Co-hosts: U.S. Representative Frank Pallone and DEP Commissioner Bradley Campbell**

Monday, April 26, 2004 at 7:00 pm  
Monmouth University  
Wilson Auditorium  
Norwood Avenue  
West Long Branch, NJ

Written comments may also be sent to:

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## **OPTIONS FOR COASTAL AND OCEAN PROTECTIONS**

### **COASTAL HABITAT**

- Incorporate biodiversity considerations into long-term shore protection planning, including protection, enhancement, and creation of habitat for beach nesting birds, migratory shorebirds, horseshoe crabs, and long-legged wading birds.
- Establish new Coastal Sanctuaries Program to provide interconnected areas of protected coastal habitat, coastal open space and natural areas for public recreation and conservation, beginning with the Delaware Bay and the waters and wetlands associated with Hereford Inlet and Great Bay. Increase Green Acres Program (State Land Acquisition) funding priority for the acquisition of lands that serve to create new, or enhance existing Coastal Sanctuary areas.
- Design and strengthen protection of high value coastal aquatic habitat areas that are used by marine finfish and shellfish populations as spawning and nursery areas. Special management options could then be developed for these areas once clear objectives are identified and a program is established to measure accomplishments, with appropriate public and user group input.
- Expand brownfield reimbursements to brownfield redevelopment that includes a habitat restoration component.
- Establish a long- term monitoring program for the horseshoe crab population as a key species of the Delaware Bay ecosystem.
- Address the role of fishing gear interactions and bycatch in population declines of marine birds, turtles and mammals and to develop solutions that minimize any negative impact on the commercial fishing industry.
- Increase Green Acres Program funding to municipalities, counties, and nonprofit land conservancies for the development of facilities that promote wildlife viewing and other ecotourism opportunities. Facilities might include boardwalks, platforms, bird blinds, canoe/kayak launch areas, signage, etc.

### **COASTAL WATER QUALITY**

- Establish a challenge grant program to accelerate coastal stormwater management and combined sewer overflow (CSO) compliance measures.
- Implement measures to improve the quality of water discharged to the ocean from Wreck Pond to reduce related beach closures. These measures could include dredging the pond and its immediate tributaries, installing stormwater controls for discharges to the pond to reduce sediment and bacterial loadings, restoring habitat, and extending the ocean outfall pipe. Develop a systematic approach for restoring and managing additional coastal lakes that discharge into the Atlantic Ocean and prioritize implementation based on severity of impairment to recreational use.

- In cooperation with the Office of Maritime Resources, develop regional plans for dredged material management in the Raritan and Sandy Hook Bays and the Atlantic coastal basin, with an emphasis on beneficial use. Accommodate navigational dredging needs at private marinas and federal/state navigational channels, with the goal of identifying capacity to accept 500,000 cubic yards of dredged material by 2006.
- Support the federal proposal for development of a coastal ocean observing system to provide coordinated collection and analysis of remote sensing data, automated sensor data and routine monitoring data for more effective measurement of the health of New Jersey's ocean waters.
- Expand real-time water quality monitoring into Barnegat Bay in cooperation with the New Jersey Water Monitoring Coordinating Council
- Implement a Clean Marina Program that encourages marinas to adopt voluntary measures to reduce marina-related pollution and contribute to improving water quality.
- Identify sanitary systems likely to fail and require remedial action to prevent release of untreated sewage into coastal waters. The determination would first focus on the systems of the City of Long Branch, Ocean Township, and systems in the coverage areas of South Monmouth Regional Sewerage Authorities, and Two Rivers Water Reclamation Authority.
- Reduce non-point source pollution to coastal waters by implementing the new Municipal Storm Water Program. Governor McGreevey has already made available \$6 million in grants to assist compliance with the new program, and has proposed an additional \$6 million for this purpose in the upcoming fiscal year. The State is also working towards making \$30 million in challenge grants available for projects that are necessary to achieve compliance with the new stormwater requirements.
- Reduce the use of polluting materials, such as treated woods, in the construction of docks and bulkheads in coastal waterways.

## **COASTAL DEVELOPMENT AND PUBLIC ACCESS**

- Revise the Coastal Zone Management and Water Quality Management rules to concentrate development and reduce sprawl development in coastal areas.
- In conjunction with the Board of Public Utilities, develop standards for offshore energy infrastructure, including wind turbines, which may impact aspects of the marine and coastal environment, including avian species, scenic resources, and public uses.
- Strengthen New Jersey's role in managing development and use of the ocean in federal waters and New Jersey's ability to review federal projects and federally permitted projects such as submerged cables and offshore wind turbines that may affect the State's coastal areas. Review additional federal actions, including activities in interstate waters such as the Hudson River and Delaware River and Bay, to ensure that the state's coastal resources and uses are not adversely affected.
- Expand public's access to New Jersey's coastal waters for active and passive recreation.

## **MARINE FISHERIES AND SHELLFISHERIES**

- Investigate the cause of the decline in surf clam stocks during the past three years off the New Jersey coast.
- Reduce the construction of new docks in shellfish waters.
- Protect additional sensitive shellfish beds by classifying certain surface water bodies as Category 1 waters, beginning with the exceptional shellfish waters of the Great Egg Harbor River, Great Egg Harbor Bay, and Maurice River.
- Identify and address nonpoint sources of water pollution that adversely affect shellfish resources and threaten public health through consumption of contaminated shellfish, beginning with Sandy Hook Bay and the Navesink River.
- Enhance an additional 500 acres of oyster resources for their ecological and economic benefits and work to secure federal funds to expand efforts to rehabilitate the oyster resources within the Delaware Estuary.
- Initiate and assist in community-based hard clam and oyster restoration projects in Atlantic Coast estuaries at locations where these resources have declined. Drawing upon the Shellfish Habitat Mitigation Fund monies designated for this purpose, the Department has a goal of restoring 50-100 acres of hard clam and oyster habitat this year.
- Institute licensing for commercial landings of fish to provide dedicated funding for enforcement and systematic implementation of a comprehensive system for collecting and trading of landing statistics.
- Designate locations for environmentally sound aquaculture, with consideration of the competing interests of various user groups. Develop policies to facilitate expansion of shellfish aquaculture in New Jersey. The Department anticipates the sampling and identification of 1000 acres of potential aquaculture locations in FY '05 to add to the 600-700 acres identified in FY '04.
- Strengthen protection of fish and shellfish resources and maintenance of commercial and recreational fishing, using updated mapping of ocean waters that support significant recreational or commercial fishing.
- Accelerate monitoring of toxic pollutants in crustaceans and fish tissue, make the resulting data available to the public, and provide a public process for analyzing the data.
- Provide fish consumption advisories for shared waters that are consistent between New Jersey and New York, and between New Jersey and Pennsylvania. This effort will build on the success in issuing consistent fish consumption advisories, in New Jersey and Delaware, for the shared waters of the Delaware estuary, including the Delaware River downstream of the Pennsylvania border and Delaware Bay. The benefits for establishing consistent advisories in New Jersey's shared waters include a more effective and concise public message, coordinated state outreach efforts, increased public comprehension, and most importantly increased protection of public health from the bioaccumulative contaminants found in elevated levels in some local fish species.

## **SHARING OF COASTAL DATA**

- Create a publicly accessible database for sediment analysis information generated from dredging projects in conjunction with efforts currently being implemented by the Office of Maritime Resources, New Jersey Department of Transportation.
- Expand the Department's real-time water quality monitoring network to provide greater coverage of the State's coastal waters to the public through Internet access.
- Provide information on public access locations to beaches and tidal waters and associated amenities throughout the coastal area.

## **STATE LEGISLATION**

- Prohibit offshore energy exploration and development of offshore energy facilities that would have an adverse affect on fish or marine life or water quality.
- Expand the jurisdiction of the Coastal Area Facility Review Act in particularly sensitive areas.
- Authorize the Environmental Infrastructure Trust to make loans available prior to the end of a funding cycle for urgent or emergency repairs needed to prevent sewer line failures.
- Revise the shellfish statutes (Title 50) to allow aquaculture leases for areas along the Delaware bayshore in the vicinity of Pierce's Point, in response to changes in both the status of natural oyster beds in this area and in fishery practices and to enhance the Department's efforts to foster environmentally-sound aquaculture in New Jersey.

## **FEDERAL LEGISLATION**

- Reauthorize the Coastal Zone Management Act and strengthen states role in coastal zone management.
- Increase funding to the state coastal management programs, for developing regional and ecosystem-based coastal and ocean resource management policies, implementation of Stormwater Phase II, for combined sewer overflow remediation.
- Provide sustained, dedicated funding to the Coastal and Estuarine Land Conservation Program and enable states to work in partnership with local government and nongovernmental partners in land conservation.